IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1989 OF 2006

Game King Pvt. Ltd. Company
through its Director
Shri Ramesh Lakhulal Chaurasiya ...Petitioner
Vs.
The State of Maharashtra ...Respondent

Mr. S.V. Kotwal for the Petitioner
Mrs. S.D.Shinde, A.P.P for the Respondent

CORAM: SHRI J.N.PATEL &
SMT. ROSHAN DALVI, JJ.
DATED: 7TH OCTOBER, 2006

P.C.

1. The Petitioner has approached this Court with a plea that the Petitioner Company carries on business of assembling of computers and developing software for cyber-cafe's games etc. They have entered into an agreement with various persons including one Chawla to start franchisee at Ulhasnagar.

2. It is the case of the Petitioner that the Officers of the Ulhasnagar Unit of Crime Detection Branch, Thane visited the premises at Ulhasnagar i.e Camp No.3, Golden Tower, Shop No.3, Link Road and conducted raid, seized 6

computers and arrested 5 customers and the proprietor of the franchisee Mr. Amarlal Chawla and registered offences against them under Section 420 r.w. 34 of the Indian Penal Code and under Section 4 and 5 of the Bombay Prevention of Gambling Act vide C.R.No.I-180 of 2006 at Ulhasnagar Police Station. They were produced before the learned Judicial Magistrate, First Class, Ulhasnagar and except Chawla others were released on bail.

3. The Petitioner therefore, challenges the registration of Crime No.I-180 of 2006 and seeks direction/order from this Court to quash and set aside the F.I.R.

4. The learned A.P.P after seeking instructions submits that the investigation in the matter is already completed and charge-sheet has been filed before the learned Judicial Magistrate, First Class, II Court, at Ulhasnagar on 28th September, 2006.

5. The learned Counsel appearing for the Petitioner submits that there was no justification in conducting raid in the establishment as the franchisee of the Petitioner's Company is running a cyber-cafe which is not an offence and as there are no rules regulating the business of cyber-cafe, the police could not have seized the computers and arrested the

persons.

6. The learned A.P.P submits that the raid has not been conducted to prevent the Petitioner from carrying on the business of Cyber-Cafe but during the raid what was found was that the Petitioner's franchisee and customers were indulging in gambling.

7. Therefore, in the facts and circumstances and for the reasons the police has already filed the charge-sheet in the matter which is registered as C.C.No.9433 of 2006, we are not inclined to interfere in our writ jurisdiction to quash the F.I.R as sought for by the Petitioner.

8. The Petitioner can raise the plea which is available to them under the law by way of defence before the learned Magistrate and may even apply for the discharge if the case is triable as a warrant case. With these observations the Petition is dismissed.

(SMT.ROSHAN DALVI, J.) (SHRI. J.N. PATEL, J.)